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TN REGULATORY AUTHORITY
DOCKET ROOM

January 31, 2002

The Honorable Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: Complaint of Ben Lomand Communications, Inc. against Citizens Communications
Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee;
Docket No. 02-01221

Dear Chairman Kyle:

I am enclosing with this letter Ben Lomand Communications, Inc.'s first set of discovery requests to Citizens Communications Company of Tennessee, LLC, d/b/a Frontier Communications of Tennessee.

Should you have any questions or require anything further at this time, please do not hesitate to contact me.

Sincerely,



H. LaDon Baltimore
Ben Lomand Communications, Inc.

LDB/dcg
Enclosures

cc: Levoy Knowles
Gilford Thornton, Esq.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**COMPLAINT OF BEN LOMAND
COMMUNICATIONS, INC. ,**

Against

**CITIZENS COMMUNICATIONS
COMPANY OF TENNESSEE LLC,
d/b/a FRONTIER COMMUNICATIONS
OF TENNESSEE.**

DOCKET NO. 02-01221

**REQUEST FOR DISCOVERY FROM BEN LOMAND COMMUNICATIONS, INC.
TO CITIZENS COMMUNICATIONS COMPANY OF TENNESSEE, LLC d/b/a
FRONTIER COMMUNICATIONS OF TENNESSEE**

Complainant, Ben Lomand Communications, Inc. hereby propounds the following discovery requests to Citizens Communications of Tennessee, LLC, d/b/a Frontier Communications of Tennessee ("Frontier") to be answered in a manner consistent with the Rules of the Tennessee Regulatory Authority.

I. DEFINITIONS AND INSTRUCTIONS

1. For the purposes of these data requests, the following definitions shall apply:

"Documents" is used in the broadest sense and includes all tangible things that record information. "Documents" includes both the original and any copy or draft, and all copies which contain any notation not on the original. Examples of "documents" include, but are not limited to, handwritten, typed or printed papers, handwritten notations, office notes, calendar entries, diaries, notes of telephone conversations, photographs, reports, receipts, invoices, memoranda,

correspondence, notes, ledger entries, work papers and computer printouts, cards, tapes, disks, and other means of electronically or magnetically maintained information.

“Identify” means (1) when used with reference to a natural person, give the person’s full name, business or residence address, business or residence telephone number, occupation and employer; (2) when used with reference to an entity, give the entity’s full name, address and telephone number; (3) when used with reference to a document, give the document’s date, title, author, recipient, type (e.g., letter, memorandum, note, etc.), name of the custodian of the document, and a description of the contents with sufficient specificity to be the basis for discovery; and (4) when used with reference to an action taken by an entity, identify the person(s) taking the action, describe the nature of the action, and give the date on which the action was taken. If any action identified pursuant to (4) involved a communication with another person, identify the person(s) with whom the actor(s) communicated; and, if the communication was through the use of a document, identify the document through which the communication was made.

“Person” includes a natural person, partnership, joint venture, firm, corporation, association, organization, or any other type of business or legal entity.

“CLEC” means a competitive local exchange carrier.

“ILEC” means an incumbent local exchange carrier.

“LEC” means a local exchange carrier, including but not limited to CLECs and ILECs.

“April 11, 2002 Tariff” means the Frontier tariff filed with the Tennessee Regulatory Authority on April 11, 2002 for the McMinnville and Sparta exchanges and which is the subject of the complaint filed by Ben Lomand in this docket.

"Ben Lomand" means Ben Lomand Communications, Inc.

"Frontier" means Citizens Communications Company of Tennessee, LLC, d/b/a Frontier Communications of Tennessee and any affiliated company.

2. If the answers to any of the following data requests could be provided through the production of existing documents within Frontier's possession or control, or within the possession or under the control of any of its representatives, including its attorneys, Ben Lomand will accept such production in lieu of written answers to any such data requests.

3. Provide the names, addresses and positions of each person responsible for preparing each of the answers to the following data requests, and for each person providing information used in the preparation of each answer.

4. If you maintained that any document or record which refers to or relates to anything about which these data requests ask or that would be responsive to any of the data requests has been destroyed, set forth the contents of said document, the location of any copies of said document, the date and circumstances of said destruction and the name of the person who ordered or authorized such destruction.

5. In answering these data requests, furnish all information and responsive documents in the possession of Frontier or in the possession of any director, officer, employee, agent, representative, or attorney of Frontier.

6. If you cannot answer any data request in full after exercising due diligence to secure all the information requested, or do not have precise information with regard to any part of a data request, you should so state, describing in full your efforts to obtain the information requested, and then proceed to answer to the fullest extent possible.

7. When the information requested by a data request varies over time, state the response for each period of time as to which the response differs, and identify the time periods applicable to each portion of the response.

8. Where the data requested, including but not limited to cost studies and related information, is or can be made available on CD ROM, please provide the documentation on CD ROM. Where both public and proprietary versions of said cost studies exist, please provide both public and proprietary versions of all cost studies.

9. Where Frontier believes a document that is responsive to these data requests is protected by attorney-client privilege, a privilege log listing the date of the document, title, author, recipients, type (e.g., letter, memorandum, note, etc.), name of the custodian of the document, and a description of the contents with sufficient specificity to be the basis for analyzing Frontier's claim of privilege should be provided.

10. If you are unable to answer any interrogatory fully and completely after exercising due diligence to make inquiry and to secure information, you are to answer such interrogatory as fully and completely as you can and to specify those portions which you are unable to answer in such interrogatory. In addition to specifying those portions, you are to state with regard to such portion:

- (a) the facts on which you base the contention that you are unable to answer that portion;
- (b) the knowledge, information, and belief you have concerning that portion;
- (c) the acts done and inquiries made by you in attempting to answer such interrogatory.

11. With regard to the Requests for Admissions, if you are unable to admit or deny each statement fully and completely after exercising due diligence to make inquiry and to secure information, you are to admit or deny such statement as fully and completely as you can and to specify the portions which you are unable to admit or deny. In addition to specifying those portions, you are to set forth with regard to such portion(s):

- (a) the facts on which you base the contention that you are unable to answer that portion;
- (b) the knowledge, information, and belief you have concerning that portion;
- (c) the acts done and inquiries made by you in attempting to fully respond.

II. INTERROGATORIES

1. Identify each person whom you expect to call as a witness at any hearing in this case.

ANSWER:

2. State the number of access lines for Frontier and its affiliates in service as of December 31, 2001 and December 31, 2002 in McMinnville and Sparta.

ANSWER:

3. What sources and amounts of funding does Frontier Communications of Tennessee receive from its affiliates?

ANSWER:

4. What is the rate of Return on Investments for Frontier's Tennessee exchanges as of December 31, 2002?

ANSWER:

5. What is the rate of Return on Investments for Frontier's exchanges in McMinnville and Sparta as of December 31, 2002?

ANSWER:

6. Please explain the differences between the Versaline Centrex offering and regular Digital Centrex Service.

ANSWER:

7. Why is Versaline Centrex Service offered in McMinnville and Sparta and not elsewhere in Tennessee?

ANSWER:

8. Why does Frontier offer the April 11, 2002 reduced flat rate business and Versaline Centrex Tariff rates in the McMinnville and Sparta exchanges and not in its other Tennessee exchanges?

ANSWER:

9. In what exchanges in other states has Frontier and its affiliates offered tariffs similar to the April 11, 2002 Tariff in which the rates/tariffs are lower than in other Frontier exchanges in such state?

ANSWER:

10. For those exchanges and/or states listed in the answer to Interrogatory No. 9, list such rates/tariffs that have been rejected, revoked, or disapproved by the respective public utility commissions (equivalent to the Tennessee Regulatory Authority)?

ANSWER:

11. For those exchanges and/or states listed in the answer to Interrogatory No. 9, list the competitors (ILECS/CLECS) which terminated business in such exchanges; were sold to other competitors or Frontier and its affiliates; or were merged with another competitor or Frontier and its affiliates?

ANSWER:

12. In what manner were existing Frontier customers (excluding win-back customers) made aware that Contract Service Arrangements with Frontier were available to them?

ANSWER:

13. What is the Tariff Contract Service Arrangement rate for flat rate business service in all other Frontier Tennessee exchanges?

ANSWER:

14. What is the Contract Service Arrangement rate for Basic Centrex service for McMinnville and Sparta and for all other Frontier Tennessee exchanges?

ANSWER:

15. Does Frontier offer Unbundled Network Element Pricing in any exchanges in Tennessee?

ANSWER:

16. List the exchanges in Tennessee in which Frontier is faced with competition from other land-line competitors.

ANSWER:

III. DATA REQUESTS

1. Identify and produce copies of all Frontier cost studies, supporting data, correspondence, and documentation arising from or related to the April 11, 2002 Tariff, including, but not limited to, cost studies and supporting data not furnished to the Tennessee Regulatory Authority and all other documentation and/or calculations relied upon in producing such cost studies.

RESPONSE:

2. Identify the persons who proposed, calculated, prepared, reviewed, and/or approved (excluding Tennessee Regulatory Authority personnel) the April 11, 2002 Tariff.

RESPONSE:

3. Identify and produce all Frontier Contract Service Arrangements for flat rate business and Versaline Centrex Service in Tennessee, including those for customers in the exchanges of McMinnville and Sparta, and in the counties of Cumberland, Putnam, and Weakley..

RESPONSE:

4. Of the Contract Service Arrangements listed in the response to Data Request No.3, how many of those contracts were entered into with existing Frontier customers (excluding win-back customers)?

RESPONSE:

5. Identify and produce all Frontier cost studies, supporting data, correspondence, and documentation, including cost studies and supporting data not furnished to the Tennessee Regulatory Authority, arising from or related to the Contract Service Arrangements.

RESPONSE:

6. Identify the persons who proposed, prepared, reviewed, and/or approved (excluding Tennessee Regulatory Authority personnel) the Contract Service Arrangements.

RESPONSE:

7. Identify and produce Frontier's most recent audited financial statements (Balance Sheet, Income Statement, and Statement of Cash Flows).

RESPONSE:

8. Identify and produce Frontier's projected financial statements (three (3) years).

RESPONSE:

9. Identify and produce Frontier's Tennessee Capital Expenditures Budget for 2001, 2002, and 2003.

RESPONSE:

10. Identify and produce Frontier's Tennessee Capital Expenditures Budget for 2001, 2002, and 2003 for Sparta and McMinnville .

RESPONSE:

11. Produce any and all organizational charts identifying any of the entities and/or divisions or offices identified in these Discovery Requests.

RESPONSE:

12. Identify and produce copies of all correspondence and documentation regarding Frontier's business plan in the McMinnville and Sparta exchanges related to the April 11, 2002 Tariff.

RESPONSE:

13. Identify and produce copies of all correspondence and documentation regarding Frontier's analysis of the effect of the April 11, 2002 Tariff on Ben Lomand and other competitors of Frontier in the McMinnville and Sparta exchanges.

RESPONSE:

IV. REQUEST FOR ADMISSIONS

Individually admit or deny each of the following statements (see Part I, Paragraph 11 above for instructions on how to respond):

1. Versaline Centrex Service contains numerous additional features (including full Network Access) than Centrex Business Service, but at a lower rate than Centrex Basic Service.

RESPONSE:

2. Frontier Communications of Tennessee is offering the April 11, 2002 Tariff rates below cost.

RESPONSE:

3. Frontier Communications of Tennessee uses revenue from non-competitive services to subsidize competitive services in Sparta and McMinnville.

RESPONSE:

4. Frontier Communications offers the same April 11, 2002 Contract Service Arrangement pricing for flat business service and Versaline Centrex Service to wholesale customers as well as retail customers in McMinnville and Sparta.

RESPONSE:

5. Frontier Communications of Tennessee receives subsidization from affiliates.

RESPONSE:

Ben Lomand Communications, Inc. reserves the right to propound additional questions relative to predatory pricing and anti-competitive issues at any reasonable time hereafter.

Respectfully submitted,



H. LaDon Baltimore, BPR #003836

FARRAR & BATES, L.L.P.

211 Seventh Avenue North, Suite 420

Nashville, TN 37219

(615) 254-3060

(615) 254-9835 FAX

Counsel for Ben Lomand Communications, Inc.

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded via facsimile transmission, overnight delivery, or U. S. Mail, first class postage prepaid, to the following, this 31 day of January, 2003.

Gilford Thronton, Esq.
Stokes, Bartholomew, Evans & Petree
424 Church Street, Suite 2800
Nashville, TN 37219



H. LaDon Baltimore